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By: Jim 2/2/02PATENT  
Attorney Docket No.: P0012US20

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#17/a  
Zita  
4-28-03

In re application of:

Scott A. LESLEY et al.

Application No.: 09/990,099

Filed: November 21, 2001

For: SOLUBILITY REPORTER GENE  
CONSTRUCTS

Art Unit: 1645

Examiner: not yet assigned

**REQUEST FOR CORRECTION OF  
FILING RECEIPT**

and

**PRELIMINARY AMENDMENT**US Patent and Trademark Office  
Arlington VA 22202

Sir:

This is submitted in response to the Response to Request for Corrected Filing Receipt that was mailed on March 29, 2002 (copy attached) and the updated Filing Receipt mailed on March 20, 2002 (copy attached).

**Request for Correction of Filing Receipt**

Applicants had previously requested that the filing receipt be corrected to reflect Applicants' claim to the November 21, 2000 priority date of US Application No. 09/721,340. This priority claim appears on the Application Data Sheet that was included with the application as originally filed, and also appears in the first page of the specification. As stated in Applicants' previous request for correction, prior to filing the instant application, Applicants had petitioned to have the parent application converted to a provisional application. At the time of Applicants' request for the corrected filing receipt, however, no application number had yet been assigned to the converted parent application. Now, the parent application has been assigned a serial number: 60/327,575. Accordingly, Applicants again request a corrected filing receipt that reflects

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Applicants' priority claim. A copy of the updated Filing Receipt marked up to show the requested changes is attached.

According to the Response to Request for Corrected Filing Receipt, the Office was unable to comply with the request because "continuity claimed under 35 USC 120 cannot be added to the Filing Receipt without supplying the relationship (i.e. continuation, divisional . . .)." However, this is not applicable to the instant case because Applicants are not claiming priority under 35 USC § 120. Instead, Applicants are claiming priority to a provisional application under 35 USC § 119(e). Thus, it would be improper to refer to the instant application as being a continuation-in-part of the parent application. See, MPEP § 201.08, which states that:

"An application claiming the benefit of a provisional application under 35 U.S.C. 119(e) should not be called a "continuation-in-part" of the provisional application since an application that claims benefit of a provisional application is a nonprovisional application of a provisional application, not a continuation, division, or continuation-in-part of the provisional application."

Preliminary Amendment

In the specification, please replace paragraph 0001 with the following rewritten paragraph:

Q. --[0001] This application claims the benefit under 35 USC § 119(e) of US Provisional Application No. 60/324,833, filed September 24, 2001. This application also claims the benefit under 35 USC § 119(e) of US Provisional Application No. 60/327,575, filed November 21, 2000, which application was converted to a provisional application from US Application No. 09/721,340. Each of these applications is incorporated herein by reference for all purposes. --

Attached hereto is an Appendix that provides a marked-up version of the changes made to this application by the current amendment. The attached Appendix is captioned "Version with markings to show changes made".